United Nations S/PV.4837

Security Council

Fifty-eighth year

Provisional

4837th meeting

Wednesday, 8 October 2003, 10 a.m.

New York

President:	Mr. Negroponte	(United States of America)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mr. Pujalte
	Pakistan	Mr. Akram
	Russian Federation	Mr. Gatilov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

The situation in Bosnia and Herzegovina

Letter dated 25 September 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/918)

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03-54670 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 25 September 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/918)

The President: I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina and Italy, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kusljugić (Bosnia and Herzegovina) took a seat at the Council table; Mr. Spatafora (Italy) took the seat reserved for him at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Lord Paddy Ashdown, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.

There being no objection, it is so decided.

I invite Lord Ashdown to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Judge Theodor Meron, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

There being no objection, it is so decided.

I invite Judge Meron to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of the members of the Council to a letter dated 25 September 2003 from the Secretary-General addressed to the President of the Security Council, transmitting the twenty-fourth report of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, document S/2003/918.

At this meeting, the Security Council will hear briefings by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina and by the President of the International Tribunal for the Former Yugoslavia. At the end of those briefings, I will give the floor to Council members who wish to make comments or ask questions.

I now give the floor to Lord Paddy Ashdown, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.

Lord Ashdown: Thank you, Mr. President, for inviting me here today.

It is a special pleasure to be here — and not just with my colleague Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia, with whom we have worked extremely closely. We shall both speak about our joint plans to create a domestic capacity for prosecuting war crimes in Bosnia and Herzegovina. I also express my pleasure at being here with my colleague the Ambassador of Bosnia and Herzegovina. One of the features of the last year has been an increasingly close partnership between the Bosnian authorities and us. I pay tribute not only to the Ambassador, but also to the Bosnia and Herzegovina authorities for all they have done to make that possible.

First, I would like to give the Council a more general view of the situation in Bosnia and Herzegovina. My report to the Secretary-General, annexed to document S/2003/918, which has been

distributed to members of the Council, covers the period 12 October 2002 to 31 August 2003. That report will be the basis of my briefing today.

When I was here last I had been in office for just over four months. If I recall correctly, I spoke then about my priorities, my intentions and my plans for the future. Today I would like to update the Council on what we have actually done in accordance with those original intentions, and on the concrete achievements of the past year. Let me stress that they are not my achievements; they are the achievements of the international community working in partnership with the authorities of Bosnia and Herzegovina. I shall then turn to what we in the Office of the High Representative believe are the challenges that still lie ahead of us.

I am conscious that the Council's time and attention have, for obvious reasons, been taken up by events elsewhere in the world since I last reported. The Balkans are — thankfully, let me underline — no longer at the centre of the international agenda of problems. In so far as there is a renewed interest in the Balkans, it is because what has happened there as a result of the United Nations having taken the lead in peace and stabilization issues now offers us more opportunities than difficulties.

Out of the glare of the media spotlight, the slow, unglamorous — but vital — work of entrenching Bosnia and Herzegovina's peace has continued. I remain impatient with the speed of that work, as indeed I must. I am well known, I fear, by my staff and by some in Bosnia and Herzegovina alike, as being a deeply impatient man. I think, by the by, that Bosnia and Herzegovina needs more impatient people. But although I remain impatient, I am happy to report that I believe that real progress is now being made.

Under the slogan with which we started my mandate — "Justice and Jobs" — we have maintained our primary focus on the two key priorities: establishing the rule of law and reforming Bosnia and Herzegovina's weak and aid-dependent economy. It might be argued that those are priorities that we should have been pushing earlier, but they are now being pushed ahead fast — for some uncomfortably fast.

The process of bringing Bosnia and Herzegovina's police forces up to European and international standards goes on apace. The European Union Police Mission, which picked up where the United Nations left off, monitoring and mentoring the police officers that the International Police Task Force trained and certified, has continued.

The Herculean task of reforming the entire judiciary and court system continues apace, and is on track for completion in the next five to six months, thanks in large measure to the exceptional work done by my colleague Bernard Fassier, Senior Deputy High Representative who, with your agreement, Mr. President, may add a word or two later, particularly on domestic war crimes issues.

Thanks to that work, I am proud to be able to tell the Council that, as a result of the efforts that have been made, not least by the authorities of Bosnia and Herzegovina themselves, Bosnia and Herzegovina is now the first country in the Balkans to have the archetypal prerequisite of a modern State: complete separation between the judicial branch and the executive. We have now created independent high judicial and prosecutorial Councils to ensure that that separation is properly maintained.

Meanwhile, the new State Court, with its special panels for organized crime, has been created from scratch. It is staffed with international as well as Bosnian prosecutors and judges, who, working in partnership, are armed with new criminal codes and criminal procedure codes written by Bosnian lawyers. That structure was introduced last January and the Court is now engaged in trying and convicting criminals. The Special Chamber will shortly hear the biggest human-trafficking case in Bosnian history — a case which has not just involved the illegal trafficking of women, but one in which those who are charged, if found guilty, will prove to have been among those people who have held to ransom a certain area of Bosnia and Herzegovina for far too long.

It is not just organized criminal networks, however, that we are after. In the past year, we have begun systematically to attack the networks that provide sustenance and support to war criminals as well. By taking aggressive action to block their bank accounts and investigate their businesses and by restricting, through European Union and other visa-ban processes, their freedom to travel, we are slowly tightening the noose around the likes of Radovan Karadzic and those who helped him to evade justice, so making it inevitable that they will soon be brought to justice.

There is a long, long way to go — of course there is — and I do not wish in any sense to be complacent about the journey that has still to be travelled. Nevertheless, bit by bit, Bosnia's lawless rule is being replaced by the rule of law.

On the economic front, we have started to drive a bulldozer through the mass of red tape and regulations that entangles businesses, prevents enterprise and deters investment. Bosnia's business community has come together on what has become known as the "bulldozer committee", a panel of local business representatives — I stress "local" — that prepares concrete, practical reforms and, in the first — ever civil society dialogue with Government, puts them to Governments and Parliaments for adoption. It has proved highly successful.

The authorities of Bosnia and Herzegovina, Governments and Parliaments have risen to the challenge that is put to them by the country's business community. Fifty economic reforms that make it easier to form businesses and start enterprises have been passed in 180 days and another 50 are in the pipeline. There surely cannot be many countries represented in this building that have reformed their economies to liberalize their markets with such aggressive speed.

Again, there is still a very long way to go, but, as noted in the recent country report on Bosnia and Herzegovina from the International Monetary Fund (IMF) — not well known for handing out easy praise — the macroeconomic framework of Bosnia is being strengthened at commendable speed. Indeed, the report says that the macroeconomic framework over the past year has been strengthened at a faster pace than the IMF had previously known for similar countries in a similar position.

Meanwhile, for some time now we have also enjoyed low inflation and a stable currency, thanks in no small measure to the excellent work of the Central Bank and its Governor, Peter Nicholl, one of the primary architects of Bosnia and Herzegovina's economic stability and one of the unsung heroes of the peace implementation process.

Now we are tackling the other great structural reforms, starting with the public finances that affect the ordinary citizen. Bosnia and Herzegovina's elaborate, excessively decentralized governmental structure was designed to protect group political interests, not to meet individual citizens' needs. One of the changes that Bosnia and Herzegovina has to make is from a structure designed to protect groups to a structure designed to protect individual citizens. That system — the result, of course, of the Dayton Agreement — means that Bosnia and Herzegovina has 13 Prime Ministers, 10 cantonal assemblies, five Presidents, four levels of Government, three Parliaments, two armies and one vast administrative structure that can no longer be afforded if money is to go to ordinary citizens rather than to governance and bureaucracy.

That is why the Bosnia and Herzegovina authorities began this summer to reform the revenue system by creating a single, State-level indirect tax authority to replace the two rotten, corruption-prone entity customs and tax administrations that we have in place at the moment. This reform will also lead to the introduction of a modern, European-standard value added tax (VAT) system for the whole of Bosnia and Herzegovina. Our target date is 1 January 2006 — two years after we believe the legislation will be passed at the end of this winter. If we manage to achieve that, the introduction of a VAT system in such a fractured country in such a short period of time will, I think, be remarkable — about two and a half times faster than any other country will have done it — but that is our aim and we are determined to stick to it.

Securing the revenue base is only part of the picture, of course, which is why the authorities have agreed to further bear down on public expenditure, reform the public administration and reduce the size of the public sector. This is a major, central and urgent task for the year ahead. As the IMF has recently stated, the benefits of such changes are already beginning to make themselves felt. As we bear down on public expenditure, we believe, savings equivalent to about 1 per cent of the gross domestic product could be expected in next year's budget. We should be able to return those savings to the citizens of Bosnia and Herzegovina.

I think I can say that the agenda I outlined last year has begun to take shape and that the reforms have begun to bite. I would not underestimate the task that is ahead of us, but we are nevertheless broadly where I hoped we would be when I spoke to the Council a year ago.

Perhaps more encouraging even than this, the Council may find, is a less measurable but more important shift that I think we can say we have started

to detect. It is relatively easy relatively quickly to change the "hardware" of the State — its institutions. It is much more difficult to change the "software" of the State — people's attitudes and their sense of belonging — but here, slowly, changes appear to be coming, too. There has been a shift in the political culture, a shift in the political mindset. It would be easy, of course, to overstate the case, but there are now the first signs that the Bosnian authorities are beginning to move beyond the old, sterile, confrontational politics of the immediate post-conflict period and towards a more rational, more pragmatic politics focused on the bread-and-butter issues of everyday concern to their constituents and citizens.

That is not to say, of course, that the old enmities have died away or that deep-rooted suspicions do not remain. Of course they do. It would be remarkable if they did not, given that we are a mere seven years away from a war in which 250,000 people were killed — a higher proportion of Bosnia and Herzegovina's population than most European countries sustained in the Second World War. Nevertheless, the events of the past year, I think, do give cause for some guarded optimism. Let me explain why.

Since the turn of the year, we have established four commissions, each composed — let me underline — entirely of representatives from Bosnia and Herzegovina, under international chairmanship. We may chair, but they do. Those commissions have been tasked to tackle four of the most intractable issues facing the country, issues that until very recently we all considered to be too neuralgic, too difficult, to discuss: the creation of a State-level tax administration, which I referred to a few moments ago; the introduction of a unified State-level command and control for the armed forces, parting company with the strictures of Dayton; the creation of a modern, democratically-accountable State-level intelligence service; and the political and administrative unification of the still terribly divided city of Mostar.

It is too early to say with absolute certainty whether these will all meet with success, but the early signs are very encouraging. The Mostar Commission has just been established and is expected to report around the end of the year, but the other three commissions have all operated in an atmosphere of genuine, constructive debate, produced high-quality, European-standard legislative reforms, and forwarded them to Governments and Parliaments for adoption in the next couple of months.

I argue that these reforms are in many ways the most significant since the end of the Bosnian war almost eight years ago — significant because, for the first time, they have begun to break out of the Dayton prison. For the first time, they have used a previously neglected clause in the Dayton Peace Agreement allowing entities to pass some competencies from the entity level to the State in areas such as tax, defence and intelligence. That has strengthened the State as a functioning organ in Bosnia and Herzegovina. It has also provided a way for the three people working together in constructive dialogue to turn the golden key that unlocks the door of the Dayton prison.

In this way, the foundations of Dayton are finally being built on — through consensus, not by imposition of the international community — by the Bosnian authorities, through the Bosnian institutions, so as to build a more rational, more affordable and more sustainable State. Dayton is being used, not as in the past to block reform, but to enable it. We have started to amend Dayton within Dayton by agreement between the peoples. In a real sense the constitution of the country has now become the property of its people, not of the international community.

I would like to stress that this has happened not because of the coercive power of the High Representatives, the threat of imposition or removal, but because of the magnetic pull of the Euro-Atlantic structures — NATO and the European Union. That magnetic pull has now become as powerful as — and, in my view, it will become more powerful than — the scourge of the Bonn powers. That has started, genuinely, to take hold. It was that factor, far more than any threat from me, that resulted in the real changes that have taken place through the four commissions to which I referred earlier.

The significance of this fact is, in my view, already becoming apparent. Not only are we able steadily to tick the boxes of the Mission Implementation Plan of the Office of the High Representative — our guiding document as we track towards a change in that Office's mission — but we are able to do so increasingly without resorting so often to the use of the extraordinary and — let us face it — draconian powers invested in my Office. Indeed, I am glad to say that I have had to impose only half as many

laws and amendments this year as I did last year — a trend that I hope and anticipate will continue into 2004. That is a trend that we planned should happen, and it is happening.

That is the good news, and I would submit that there is a fair amount of it. There is, of course, bad news, and it would be wrong of me not to outline the task ahead.

The pace of reform remains too slow. The green shoots of the new type of politics that I have described may have started to appear, but I must stress that they remain fragile and could still be easily killed off. The new institutions that we have created are weak, under-funded and too often dysfunctional. The forces of criminality, obstruction and disintegration in Bosnian politics may be on the retreat, but they remain very powerful. The enemy is still there.

That brings me, finally, to the substantive topic of our discussion today: the unfinished business of bringing the war criminals of Bosnia and Herzegovina to justice and the need to develop a local capacity capable of taking over from the International Criminal Tribunal for the former Yugoslavia.

I need not remind members of the Security Council that resolution 1503 (2003), adopted on 28 August, noted that the establishment of a War Crimes Chamber within the State Court of Bosnia and Herzegovina is an essential prerequisite for achieving the objectives of the ICTY Completion Strategies and for pushing forward the process of peace and reconciliation. I would argue that it is also essential in the task of investing Bosnia and Herzegovina with the attributes of statehood. I wholeheartedly agree, of course, with that resolution, and I am proud that I will shortly be able to hand over to my colleague, Judge Meron, the Tribunal's President, who will speak on this subject from the perspective of the ICTY.

But before I do so I would like to make a few brief comments. First of all, let me underline the commitment of my Office, and of all the other international agencies in Bosnia and Herzegovina, to ensuring the success of this project. We are only too aware of the pernicious influence that indicted war criminals like Mr. Karadzic are still able to exert over Bosnia's political environment. Mr. Karadzic may no longer be able to block the process of reform, but he remains a baleful curse over the whole country, and the sooner that that is removed, the better. We know that peace cannot be described as fully entrenched until the perpetrators of the unspeakable crimes are finally brought to justice.

But there is little point in willing the ends unless we are also prepared to will the means. We have, collectively, made a good start. At the behest of the Security Council and the Peace Implementation Council (PIC), the Office of the High Representative and the ICTY have, together with the Organization for Security and Cooperation in Europe, the Council of Europe and the authorities of Bosnia and Herzegovina, produced detailed recommendations for the creation of a War Crimes Chamber within the State Court of Bosnia and Herzegovina. Within my Office, that effort has been led with great skill and dedication by my friend and colleague, Ambassador Bernard Fassier, who is sitting behind me.

I was tasked by the PIC Steering Board to establish an Implementation Task Force, co-chaired by my Office and the Minister for Justice of Bosnia and Herzegovina. That Task Force has, in turn, established a number of working groups to deal with specific issues relevant to the project, such as the renovation of the buildings where the trials will take place, the preparation of the legal framework, the review and transfer of ICTY cases and other related issues, not the least of which is witness protection.

My Office is also in the process of establishing a functioning State-level police force with investigative and law-enforcement powers. A witness protection department is also envisaged, and should become operational early next year. That department will need to expand over the course of the year if it is to provide protection for witnesses in war crimes cases.

Another issue that will need to be dealt with in the months ahead is the current lack of a State-level detention facility to serve such a capacity. The Implementation Task Force will need to address this, as well as the myriad of other problems involved in this project.

So we are making progress. But let me stress — I know that Judge Meron and Bernard Fassier will do likewise — that all of this is dependent on sufficient funding being found. If we will the ends, we have to will the means. I would like to remind the Council that the project has been costed at 28 million Euros for the first five years, plus — if we choose to follow that route — an additional 11 million Euros for the

construction and operation of a State-level prison. I simply invite those who find that expensive, to compare it to the costs of running the Tribunal at The Hague. But at the start, these two projects will have to be run in parallel. Some of that extra money will, of course, be met from the budget of Bosnia and Herzegovina. But it will inevitably require substantial international funding too.

We have already received pledges for funding from several Governments, and in this respect I am grateful and pay tribute to the Governments of Germany, the United Kingdom the United States and Italy. But we are nowhere near the targets yet. That is why I appeal to all members to exercise maximum influence for maximum attendance at the donor's conference in The Hague at the end of this month.

To sum up, I think that we are close to finishing the job in Bosnia and Herzegovina. We are close to our first, historic success in this relatively new but very difficult business of peace implementation. We cannot, however, bring closure to Bosnia and Herzegovina's terrible war, and we cannot bring peace to the relatives and loved ones of that war's 250,000 victims, until those who bear the guilt for that suffering are brought to justice. We owe it to them to make this project succeed. And I believe that we will.

The President: I thank Lord Ashdown for his very interesting and comprehensive briefing.

I now give the floor to the President of the International Tribunal for the Former Yugoslavia, Judge Theodor Meron.

Judge Meron: It is a great honour for me to address the Council today. The honour is magnified because I come before the Council in the company of Lord Ashdown. For many years now, Lord Ashdown has been a tireless and resourceful servant of the international community. I pay tribute to his wisdom, dedication, commitment and skill.

The Council has heard from Lord Ashdown about several aspects of his work in Bosnia and Herzegovina during the past year. I am here to add a few words of support and elaboration on one aspect of that work — the establishment of a special War Crimes Chamber within the State Court of Bosnia and Herzegovina.

The creation of the War Crimes Chamber in Sarajevo, as members know, has been a joint initiative of the Office of the High Representative (OHR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY). This past February, my predecessor, as President of the ICTY, Claude Jorda of France, and Lord Ashdown's Principal Deputy, Bernard Fassier, initialled a joint proposal outlining the structure and the financing of the War Crimes Chamber. I twice had the honour to address the steering board of the Peace Implementation Council (PIC) about the proposal, and I am grateful that the PIC steering board endorsed the project in June. I am grateful as well that the Security Council added its imprimatur to the War Crimes Chamber in resolution 1503 of the 28 August 2003, called for its "expeditious establishment" and urged the donor community to support the project financially.

We are now moving from plans to action. Later this month, the ICTY will host an OHR donors conference in the Tribunal at The Hague. That conference, which builds on earlier meetings in Sarajevo, should put in place the War Crimes Chamber's financial foundation — the foundation which, as Lord Ashdown has explained, is absolutely essential for the success of this project. Once that foundation is laid, a series of working groups will be created to address many of the detailed policies needed to get the War Crimes Chamber running. Those groups, staffed by representatives from the OHR, the ICTY, relevant departments of the Bosnia and Herzegovina Government and interested groups such as the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the European Union Police Mission, will address such issues as rules of procedure and evidence, witness protection, investigations, detention and transfer of cases and evidence from the ICTY.

The Sarajevo War Crimes Chamber will serve several important functions and will make a crucial contribution to the achievement of important goals of the international community.

First, from the perspective of the ICTY, the creation of the War Crimes Chamber will serve, as the Security Council recognized in resolution 1503, as "an essential prerequisite" for the success of the ICTY's completion strategy, its plan to complete its mission within the time-frame indicated by the Security Council. That completion strategy has a number of components, including focusing the work of the Tribunal more tightly on the prosecution of the most senior leaders suspected or accused of being most

responsible for crimes within the ICTY jurisdiction and enacting a series of internal procedural reforms designed to improve the efficiency of the Tribunal's proceedings. Some of those reforms have already been adopted. Others will soon be.

Within this overall completion strategy, the establishment of an orderly process for transferring certain cases from the ICTY to a judicial institution of an emerging Bosnian Government will play a vital role. Winding up the work of the ICTY in a reasoned and timely fashion will itself contribute to the process of reconstruction and reconciliation in the region. That orderly completion strategy will form an essential element in the legacy the Tribunal will leave to the international community's historic effort to bring accountability for those who commit terrible atrocities.

Secondly, as Lord Ashdown has indicated, the establishment of the War Crimes Chamber will contribute directly to the realization of the OHR Mission Implementation Plan. The War Crimes Chamber will make a powerful contribution to the overall efforts of the OHR to establish a firm foundation for the rule of law in the national institutions of Bosnia and Herzegovina. The experience local prosecutors and judges gain in the War Crimes Chamber will carry over to their work in other areas of law enforcement.

Thirdly, the War Crimes Chamber will ensure that the prosecution of war criminals takes place in Bosnia and Herzegovina in an efficient and fair manner, and in accordance with internationally recognized standards of due process.

At present, unfortunately, we cannot rely exclusively on the existing institutions in Bosnia and Herzegovina. Despite the gradual re-establishment of democratic institutions and the return of peace to the country, the local courts still suffer from significant structural difficulties, as well as from lack of cooperation between the entities; political pressures brought to bear on judges and prosecutors; the often mono-ethnic composition of the local courts; ethic bias; difficulties protecting victims and witnesses effectively; and lack of adequate training of court personnel.

While the OHR has initiated far-reaching and extremely important reforms of the judicial system, the process of reform will not be completed for several years. The establishment of a specialized War Crimes Chamber that will include international judges in its early years offers the best chance for rendering justice expeditiously and thus advancing the process of reconciliation in a timely way. The possibility of internationally credible war crimes prosecutions in entity or cantonal courts, unfortunately, cannot be contemplated as yet.

The establishment and the success of the War Crimes Chamber can play a crucial role in demonstrating the international community's commitment to ensuring justice in Bosnia and Herzegovina. It can contribute powerfully to the solid growth of the rule of law. Transferring to the people of Bosnia and Herzegovina themselves the responsibility for prosecuting war crimes committed in their territory can play an absolutely essential role in advancing that country's reconstruction and integration into the international community and Europe.

A tremendous amount of work remains to be done before the Chamber is up and running. The work runs the gamut from the construction and renovation of buildings to house the Chamber, to the enactment of laws, rules and regulations, to the hiring of local and international judges and prosecutors, to the establishment of mechanisms for the transfer of evidence and defendants. The international community must fully engage in this task if an imaginative blueprint is to be turned into a vital reality. I appeal to Council members to support the project warmly.

The President: I thank Judge Meron for his briefing and remarks.

Mr. Pleuger (Germany): Mr. President, thank you for convening this important meeting. At the outset, I would also like to thank Lord Ashdown and Judge Meron, not only for their very interesting and comprehensive reports, but also for what they are doing in the field.

The representative of Italy will later present the views of the European Union (EU), which we fully endorse, and my statement will therefore be limited to some general observations and some issues of criminal justice.

To focus on these issues is a particular challenge in a meeting that is honoured by the presence of our two speakers, Lord Ashdown and Judge Meron, the President of the ad hoc International Criminal Tribunal for the Former Yugoslavia — two persons representing,

each in his own way, the prospect of Bosnia and Herzegovina being rebuilt on a basis of justice and the rule of law.

I wish both of them the best of luck in their respective endeavours to advance the difficult and delicate, yet immensely important, process in Bosnia and Herzegovina.

We share Lord Ashdown's overall assessment of the present situation in Bosnia and Herzegovina. There have indeed been marked improvements in key areas such as security, the economy, monetary stability, the return of refugees and constitutional guarantees for the equality of the three ethnic groups.

But, on the other hand, there are remaining problems. These problem areas comprise particular, partly dysfunctional State structures and the notorious ethnical divide. Seven years after Dayton, the situation in Bosnia and Herzegovina is still more complex than in other countries in transition.

We commend Lord Ashdown for focusing the reform process on the rule of law, economic rehabilitation and on the consolidation of State structures. These are important steps into the right direction. We support the High Representative's approach to reforms in these areas. The Reform Commissions will have to play an important role, particularly in the fields of defence, taxes and intelligence services, as well as with regard to Mostar, as mentioned by Lord Ashdown.

Further progress in Bosnia and Herzegovina depends now to a large extent on the sense of ownership that the authorities develop. The future of the country cannot be that of an externally administered territory. Bosnia and Herzegovina must instead grow into its role as a fully sovereign State, with a view to participating in the European and trans-Atlantic structures.

We reassure Judge Meron of our continuous support, both political and material, to the International Criminal Tribunal for the Former Yugoslavia (ICTY). The Tribunal is a remarkable precedent for delivering impartial criminal justice. It is a milestone in international criminal justice and Germany will do its utmost to ensure that the Tribunal can fulfil its mission. Therefore, together with our partners of the European Union (EU), we will continue to urge all States concerned, including Bosnia and Herzegovina, to improve and intensify their cooperation with the ICTY, as this is an indispensable prerequisite for the timely and cost-effective delivery of justice.

Allow me to turn to two specific points of criminal justice:

First, in the Council's ministerial meeting of 24 September 2003 devoted to the question of justice and the rule of law, Germany insisted on the complementarity between national and international justice, a principle that we feel needs to be translated into specific arrangements, wherever feasible.

Clearly, Bosnia and Herzegovina is a case in point. Bosnia and Herzegovina should now be able, with international assistance, to bring war criminals to justice in national courts. Bosnia and Herzegovina's acceptance of this responsibility is an important indicator of its political will to gain ownership of its domestic matters.

Like all members of the Council, Germany therefore fully supports the establishment of a War Crimes Chamber at the State Court of Bosnia and Herzegovina. We would like to reiterate the call that the Council made to the international community, by means of Council resolution 1503 (2003), to support the establishment of that special Chamber. Germany has already pledged support in the shape of an important financial contribution and the secondment of an expert.

My second point pertains to the Council's second meeting on justice and the rule of law, on 30 September 2003. In this meeting, Under-Secretary-General Guéhenno said "By and large, though, the international tribunals have so far not always proved to be efficient or effective instruments for prosecuting and trying those suspected of the most serious crimes, and they have been too slow and too costly" (S/PV.4835).

I have no doubt that these remarks were made not as a criticism, but as an invitation to constantly evaluate our action and the performance of the bodies we have created and to draw lessons from this evaluation, so that we will be better equipped to address future challenges. Obviously, questions about a court's ability to deliver justice in a timely and cost-effective manner are very relevant.

The cases of Sierra Leone and of Bosnia and Herzegovina indicate that hybrid tribunals, or internationally assisted national courts, can be, under

certain circumstances, interesting and cost-effective alternatives. As far as international mechanisms of criminal justice are concerned, the Council should henceforth take into account the fact that, since the establishment of the International Criminal Court (ICC), there is an instrument of international justice that is permanently available, not just ad hoc, and that holds the promise to match, or even to exceed, the two ad hoc tribunals, in terms of judicial standards, public acceptance and effectiveness.

In conclusion, I would like to say that Germany would be very pleased to see ongoing cooperation and cross-fertilization between the various actors who operate in the sphere of international justice. We strongly suggest that in the future, the Council give increased consideration to the possibility of referring situations to the ICC whenever there is a need for international criminal justice.

The President: I thank the Ambassador of Germany and give the floor to the representative of the Syrian Arab Republic.

Mr. Atieh (Syria) (*spoke in Arabic*): Mr. President, we thank you for organizing this important meeting. We also welcome Lord Ashdown, the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina, and we thank him for the detailed and comprehensive briefing that he gave us regarding the situation in Bosnia and Herzegovina. We also wish to thank Judge Meron, the president of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and we commend him on his useful briefing on the trial of war criminals in Bosnia and Herzegovina. We are completely satisfied with Lord Ashdown's clarification of his vision of putting Bosnia and Herzegovina on the right track towards statehood. We are also gratified by the priority he has given to enhancing the rule of law, economic reform and the improvement of the basic institutions of governance in Bosnia and Herzegovina, and we support his slogan "justice and jobs."

At this crucial juncture, the reconstruction of Bosnia and Herzegovina depends on enhancing the rule of law through a fair and responsible judiciary that can deal with grave issues, such as financial crimes, organized crime and political corruption. We note with satisfaction the country's appointment of a governor, judges and prosecutors who can perform their duties efficiently. Freezing the assets of suspected war criminals is very important for stopping their activities and for enhancing the rule of law in the country in accordance with the pronouncements of the International Criminal Tribunal for the Former Yugoslavia.

On the other hand, we believe that economic reform should also be a priority to improve the living conditions of the people and to attain economic stability. This, in turn, would enhance the political process by reforming the banking, fiscal and other economic sectors.

We believe that the November 2002 Bulldozer Initiative will pave the way for growth, create greater employment opportunities, help improve bureaucracy and liberalize the economy, which we all seek. The contribution of many Member States and financial institutions to this Initiative will help to bring about economic growth so that the country may overcome the challenges that it is confronting in agriculture, transport, communications, electricity and other areas.

We would also like to emphasize another point: the return of refugees. Despite the encouraging numbers of returnees mentioned in the report, we believe that more efforts should be made to overcome the difficulties that can arise from the permanent return of refugees, including providing the necessities of daily life, so that they can, through social reintegration, help to rebuild their country.

We are indeed pleased to see the progress made, as Lord Ashdown has stated. We also took note of the difficulties that he mentioned, such as the slow pace of reform and weakness of the new institutions, as well as the fact that there are still enemies in Bosnia and Herzegovina. However, we believe that cooperation between Lord Ashdown and Judge Meron, in their respective fields, will help overcome the difficulties and challenges and protect the interests, security, integrity and stability of the people of Bosnia and Herzegovina.

Mr. De La Sablière (France) (*spoke in French*): I would like to thank Lord Ashdown and President Meron for their briefings, which complement the report of the High Representative.

I would like to make three comments. First, I reaffirm France's support for the action undertaken by Lord Ashdown in Bosnia and Herzegovina. We share the priorities that he has identified for his mission: the

rule of law and justice; economic reform and development; combating organized crime; structural reform; and return of refugees and displaced persons. His resolve has allowed for considerable progress on various matters.

I cannot be exhaustive, but I am pleased to highlight the fiscal reforms, which he mentioned, with the establishment of a State value-added tax and of an integrated customs service; the stepped-up campaign against organized crime and corruption, even if, as he pointed out, much remains to be done; the planned transfer of some cases from the International Criminal Tribunal for the Former Yugoslavia to the Bosnian judicial system; and, finally, the agreement by officials of Bosnia and Herzegovina to defence institutions reform proposed by James Locher's Commission. This progress also fosters the building of a modern State compatible with European integration and, within this framework, a transfer of responsibility to the Bosnians, which we so fervently wish to see.

Secondly, I would like to emphasize the need to be extremely vigilant in the implementation of the reform which the High Representative has been able to achieve. We note that local resistance, particularly from political parties, often prevents the implementation of these priority reforms. We should be similarly vigilant about cooperation with the International Criminal Tribunal for the Former Yugoslavia. We note with regret the lack of cooperation from the Republika Srpska, despite the demands of the international community, reiterated in resolution 1503 (2003) of 28 August.

Political leaders in Bosnia and Herzegovina approve the reforms put forward by the High Representative, with the support of the international community. We would like to be convinced, however, that they will choose to effectively implement their commitments in principle, because by doing so they will foster the integration of Bosnia and Herzegovina into the various arrangements of European cooperation.

Thirdly, I believe it is important to emphasize — and I fully agree with the statement to be made by the representative of Italy on behalf of the European Union — the considerable and growing commitment of the European Union in Bosnia and Herzegovina. It is a political, human and financial commitment. The dual function of Lord Ashdown, who is also the Special Representative of the European Union, reflects this.

Since 1991, Bosnia and Herzegovina has been the major beneficiary of community assistance to the Balkans. We hope that the donor conference to be held in The Hague at the end of the month will enable the European Union to make an overall contribution to an exit strategy for the International Criminal Tribunal to show our determination to ensure the success of international justice.

The European Union has also chosen to have its police mission take over from the International Police Task Force. In the area of security, currently covered by the Stabilization Force (SFOR), plans for involvement by the European Union are now being studied in cooperation with our major partners.

In this way, closer ties between Bosnia and Herzegovina and the European Union are under way. The European Commission is preparing a feasibility study for a future stabilization and association agreement, and it must report its conclusions by the end of the year. It is up to all Bosnian leader to act in order to speed up this process.

Mr. Muñoz (Chile) (*spoke in Spanish*): At the outset, I thank Lord Ashdown, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, for his report on the situation in Bosnia and Herzegovina. We appreciate his efforts. We also welcome the briefing given by Judge Theodor Meron.

Still fresh in our memory are the 1990s, when the world witnessed in Bosnia and Herzegovina some of the bloodiest episodes in recent history. We still vividly recall the gross violations of the most fundamental human rights that occurred in, inter alia, Srebrenica, Zepa, Banja Luka and Sanski Most. The tragic outcome that, as Lord Ashdown said, about 250,000 people were killed or disappeared, and more than a million people became displaced persons or refugees, speaks for itself.

The progress made in recent years following the implementation of the Dayton Peace Agreement, in particular during the period in question, clearly indicates that the terrible days of the 1990s are receding into the past. We should like, inter alia, to emphasize the efforts made to combat crime and corruption directly by means of the establishment of appropriate institutions; the process of restructuring the court system at all levels; and the launching of expert reform commissions covering indirect tax policy, defence and intelligence.

The introduction of modern standards in public administration is a prerequisite for good governance and for transparency, and in that connection we wish to acknowledge the efforts of the State-level Civil Service Agency, which was created in May 2002.

Let me also mention the reforms made in the fields of banking, statistics and land registry, which contributed to the advances made by the so-called Bulldozer Committee, as well as the entry into force of the Law on Communications.

However, as was mentioned in Lord Ashdown's briefing, attention should be devoted to the still-fragile institutions and to the slow pace of and obstacles to reform, the appointment of public administration officials, and the restructuring of various public bodies.

The number of repatriated persons and the implementation of the property law all are auspicious signs. We agree, however, that, following the eventual dismantling of the Reconstruction and Return Task Force at the end of 2003, continued local and international support will be required for the return of the refugees.

A very important step forward has been taken in combating the networks that provide funding and support for key International Criminal Tribunal for the former Yugoslavia indictees, including Radovan Karadzic. We commend the fact that the Peace Implementation Council has tasked the High Representative with establishing a system for domestic prosecution of war crimes.

In this connection, a Special Chamber in the State Court of Bosnia and Herzegovina will contribute to the achievement of the general completion strategy adopted by the Security Council for the International Criminal Tribunal for the Former Yugoslavia. This important point is related, I believe, to what was very clearly recalled by the Ambassador of Germany — the fact that, in the process of ensuring that justice prevails, the local dimension is vital, without prejudice to the role of the special tribunals and of the international community, working together with national courts.

The strengthening of national judicial systems is important not only in re-establishing the rule of law and respect for law in general, but also to ensure the success of the completion strategy of both tribunals.

We believe also that broader cooperation on the part of all States and of regional and international organizations is another prerequisite for the successful achievement of the completion strategy, in particular as relates to the prosecution of all accused persons, including some who are still at large.

In conclusion, Bosnia and Herzegovina, given its long and rich history, had in the past to become a kind of crossroads — a meeting ground for different worlds. Today it is once again taking the path towards peaceful coexistence. And, as in past years, I should like to assure the Council that my country will continue to cooperate to ensure that this can happen, as we did until recently by contributing police officers to the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and as we are doing today by contributing Chilean army officers.

Mr. Sow (Guinea) (*spoke in French*): My delegation commends the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, Lord Paddy Ashdown, for the significant progress achieved and for the quality of his report. I should like also to express our appreciation to Judge Theodor Meron, President of the International Tribunal for the former Yugoslavia, for his informative briefing and for his praiseworthy efforts in carrying out his mission.

My delegation notes the improvement in the functioning of the major institutions in the country and the securing of more stable funding for them as key achievements. Among other areas of progress — pursuant to the priorities set out by the High Representative — the establishment of the Anti-Crime and Corruption Unit; the overhaul of the country's judicial system at all levels; the launching of the European Union Police Mission; the operationalization of the State-level Civil Service Agency; and the establishment of coalition governments at the State, entity and cantonal levels all are encouraging factors on the path to reconstruction, ethnic harmony and stability in Bosnia and Herzegovina.

In the area of justice and the rule of law, the High Representative should be encouraged to continue his offensive against those networks that fund and support key International Criminal Tribunal for the Former Yugoslavia indictees, including Radovan Karadzic, and to establish a system for domestic prosecution of war

crimes, pursuant to the request made by the Peace Implementation Council.

In this context, my delegation supports the creation by the Council of a special War Crimes Chamber within the Court of Bosnia and Herzegovina. There can be no doubt that the speedy implementation of this project will be one of the pillars of the reconstruction of the country and of its integration into the international community.

Key criteria enable us objectively to evaluate the social, political and economic progress achieved. Let me mention in this connection the drawing down of, by the end of 2003, of the Reconstruction and Return Task Force, due to the high level of property law implementation, greater visibility and improved assurances in connection with the return of refugees and displaced persons; the closing of the Media Development Department, following the successful completion of its mandate; the entry into force of the Criminal Procedure Code, as a turning point in the reform of criminal justice; the suppression of support networks for war crimes indictees, thanks to close cooperation with the European Union and the United States of America; increased growth in Bosnia and Herzegovina, on the basis of reforms laid down to promote employment and consolidate economic and administrative infrastructures; and the enhancement of regional cooperation for security and justice. However, that progress must not mask the difficulties encountered by the High Representative in his efforts to restore the situation.

We are particularly concerned at the replacement — for political reasons — of members of the administrative boards of various public entities and the appointment of officials based on political or ethnic criteria; at the constitutional dysfunction of the Council of Ministers and the meagre resources at its disposal; at the swift decline in international financial assistance at a time when refugees and displaced persons are returning in large numbers; and, finally, at the slowness in the pace of reform. All those challenges can be addressed thanks to the international community's support and to the dynamism of the Office of the High Representative.

Seven years after the end of the war, Bosnians must assume the bulk of the responsibilities in the country's restoration and revitalization. That being done, the Council must lend its full support to the High Representative with a view to the swift implementation of the six essential tasks set forth in the Office's implementation plan, which was approved by the Steering Board of the Peace Implementation Council.

In conclusion, my delegation reiterates its congratulations and its words of encouragement to the High Representative and to the President of the International Criminal Tribunal for the Former Yugoslavia on the significant progress achieved, under their far-sighted and effective leadership, in implementing the Dayton Accords in Bosnia and Herzegovina.

Mr. Akram (Pakistan): I welcome Lord Ashdown and thank him for his uplifting briefing. We also thank Judge Meron, President of the International Criminal Tribunal for the Former Yugoslavia, for his presentation to the Council today.

In the early part of the past decade, Bosnia and Herzegovina became a victim of a brutal war which was synonymous with "ethnic cleansing", religious hatred and untold brutality against innocent civilians — men, women and children. It took the concerted efforts of the international community, over several years, to bring that unfortunate war to an end. Pakistan played a role as an active member of the Security Council at the time — and as one of the largest contributors to the United Nations Protection Force in Bosnia later — in the restoration of peace in Bosnia and Herzegovina.

Today, almost a decade after that tragic war, Bosnia has become a more peaceful and stable country — a far cry from the killing fields of the past decade. That is in considerable measure, a testament to the sustained commitment of the international community in implementing the Dayton Accords, despite the difficulties that have been encountered. But, largely, the credit for the progress made goes to the resilient and resourceful people of Bosnia and Herzegovina, who have demonstrated a determination to rebuild a nation which was torn apart by hate, power politics and international intrigue.

We appreciate the efforts of Lord Ashdown and his staff in promoting the rule of law, in facilitating the return of refugees, in supporting efforts for reconstruction and recovery, and in restructuring the administrative structures of the country and building its capacity for production and employment. All that has contributed significantly to moving Bosnia and

Herzegovina further along the path towards peace and national integration.

We also support the ongoing reform processes, including the domestic prosecution of war crimes, the legal reforms, the defence reforms aimed at Bosnia's participation in wider international security structures, and the economic reforms necessary to turn around the country's once-vibrant economy.

While we support the establishment of a domestic Chamber to try war crimes cases, that should not imply that the International Criminal Tribunal for the Former Yugoslavia is no longer responsible for prosecuting high-profile criminals like Radovan Karadzic, who remains at large. The Tribunal must continue its task of trying the major war criminals, leaving the Bosnian special Chamber to deal with the lesser cases.

I believe Lord Ashdown would agree that as yet all is not completely well in Bosnia and Herzegovina. He would also agree that the restoration of Bosnia and Herzegovina's pre-war tapestry of coexistence remains an aspiration. Without genuine reconciliation among the country's various communities, durable peace cannot be fully assured. The success achieved much earlier in Brcko unfortunately could not be replicated at Mostar. There are also other political problems at the national and entity levels, some of which are referred to in Lord Ashdown's report. Moreover, the peace process remains under threat from extreme nationalists, war criminals and organized crime networks. Above all, we have not reached a point where the security of Bosnia and Herzegovina can be guaranteed without the presence of foreign forces.

Pakistan recognizes that the future of Bosnia and Herzegovina is in Europe, and that the European Union must have a lead role in its political and socio-economic recovery. But it must not be forgotten that Bosnia and Herzegovina is not only European; it has a unique identity and history — an old history and a more tragic recent history. The United Nations, therefore, must also continue to have a role in assisting in the process of restoring peace and prosperity in Bosnia and Herzegovina. We should thus promote possibilities for the United Nations — and indeed for other organizations, like the Organization of the Islamic Conference — to work in concert with the European Union and with other European entities to realize their common objectives in Bosnia and Herzegovina.

During the war in Bosnia and Herzegovina, Pakistan extended unequivocal moral, political and financial support to the suffering people of that bold nation. When they were oppressed under unfair sanctions, we acted in the defence of international morality and the principles of the United Nations Charter. Our support was and continues to be manifested in our conviction that no nation must be victimized because it is weak and vulnerable. No people should be brutalized for their ethno-religious origins, and no people should be denied their inherent right to self-determination and the right to wage a legitimate struggle for freedom.

Sir Emyr Jones Parry (United Kingdom): I am particularly grateful to the briefings we have just heard from Lord Ashdown and Judge Meron.

It was good to have such an upbeat presentation setting the context for describing the positive progress which has been achieved. I will now elaborate on some particular United Kingdom points, while identifying myself very closely with the statement to be issued later by the President of the European Union.

The United Kingdom shares the objectives which have been set out by the High Representative. We welcome the priorities and the means of expediting progress, particularly the Commissions and the results they are achieving. The reforms now being produced need to be both legislated and implemented. If Bosnians themselves can show leadership to that end, so much the better.

I was struck by what Lord Ashdown said about partnership. Bosnia and Herzegovina has for too long and recently, been caught in a dependency culture. There is a tension between the strong leadership, which is necessary from the Office of the High Representative in order to make progress, and the risk that such leadership itself increases the dependency.

This morning it sounds as though the authorities of Bosnia and Herzegovina are assuming more ownership and greater control of their own affairs and that is good news. The path to Euro-Atlantic integration is obviously having a crucial impact on that achievement. What I mean, without the jargon, is that the prospect of membership of the European Union and of NATO is actually changing the facts on the ground. Clearly, we need less government, fewer prime ministers and, perhaps specifically, defence sector reform moving to central one-government control and

unitary command of one set of armed forces. Some years ago that would have been unimaginable. The prospect now looks more possible and is certainly highly desirable.

Cooperation in Bosnia and Herzegovina within the State, and then between Bosnia and Herzegovina and its neighbours is crucial. I very much hope that the European Union dimension will accelerate that. Meanwhile, cooperation on a number of particular areas deserves priority.

I especially want to emphasize what is being done in the area of criminality. The fact that the internal market in organized crime in the Balkans is more efficient than any other internal market is actually a remaining indictment, and thus I welcome the signs of progress Lord Ashdown has been able to allude to. But let us be clear that much more progress needs to be done in the entire region.

I was struck by a passing reference that the European Union Police Mission is now taking on the role of monitoring the local police from the International Police Task Force (IPTF). A wider application is demonstrated here which is that when the United Nations, or a multinational body takes on policing or military responsibilities, and we get to a level of maturity so that the regional organization can take it over, that is seen as a highly desirable trend. There are encouraging signs of that, not just in the Balkans, but in Africa. The more one can sub-contract out to others — actually getting on with the job that needs to be done — the better.

Lord Ashdown spoke of the rule of law and Judge Meron developed what is being done in that area. This is vital to achieving the correct sort of end-state for Bosnia and Herzegovina. Both Lord Ashdown and Judge Meron have illustrated this morning the importance of the work on the rule of law — the transition to justice — which the Security Council embarked on here last month.

The lesson for the Balkans and for all sorts of areas emerging from conflict is that justice for victims — bringing to justice the perpetrators of war crimes and then establishing a body of law, both civilian, criminal and, I would add, financial and economic — is crucial to taking a State through the process. What we heard this morning from the High Representative is an object lesson in how we need to bring justice to victims if the organs of a State are to function and if the State is to end up as the sort of democratic free nation that this United Nations stands for.

The reasons for pursuing war criminals are not only evident, they are shared fully by this Council. The logic, specifically of Security Council resolution 1503 (2003), which we passed in late August, was to stress the importance, among other things, of bringing to justice those indictees still out there who have, as Lord Ashdown described, "a baleful influence". My adjectives would include "pernicious", among others. I think the impact remains bad, but more importantly justice demands that these people actually be taken to The Hague.

Security Council resolution 1503 (2003) also called upon the donor community to support the work of the new Special Chamber. The United Kingdom has committed some 600,000 euros to that cause, but it is right that we should support it because there is a balance now between what can be done nationally, within the State, and what should properly be done by the International Tribunal for the former Yugoslavia (ICTY).

The transition to a greater responsibility within Bosnia and Herzegovina and by its people is right. It is not so much as to permit the closure of the ICTY procedures, desirable though that is, but it is to permit reconciliation and justice for the victims of war crimes to actually happen within the State of Bosnia and Herzegovina. It is a sign of maturity, and I hope in passing that it is a sign of increased efficiency as well, that the application of justice would be done more efficiently than has been the case before with some of the Tribunals.

I conclude by pointing out the obvious, that the test of the success of Lord Ashdown and Judge Meron and the institutions which they represent is that we should see far fewer reports in the future, and, preferably, that very soon we should not be having a report at all — that these two gentlemen should succeed in their goal of making their jobs no longer necessary. The United Kingdom wishes them every success in their endeavours.

Mr. Arias (Spain) *(spoke in Spanish)*: Spain would like to thank the High Representative for his outstanding work in Bosnia and Herzegovina, and particularly for his comprehensive briefing to the Security Council. We would also like to thank Judge

Meron for his work at the helm of the International Tribunal for the former Yugoslavia (ICTY) and for his very interesting briefing.

The situation in Bosnia and Herzegovina requires, as the High Representative just mentioned, two different kinds of measures in order to move forward. One is to reform the State, in order to strengthen institutions and ensure that the rule of law is firmly established, and the other is to restructure the economy to remove obstacles to development and the generation of jobs. No one is unaware that the ultimate goal of those measures is Bosnia and Herzegovina's attainment of political and economic levels commensurate with those of other European countries.

With regard to the first set of measures, my country is following with particular attention the restructuring of the armed forces and the Ministry of Defence. In that connection, I would like to ask Lord Ashdown whether he believes that the recent reforms described in his report, if strengthened, will make it possible for Bosnia and Herzegovina to become part of NATO's Partnership for Peace in the near future. In addition, in connection with the outcome of the meeting of Ministers of Defence of the European Union, Spain would like to hear the views of the High Representative regarding what would be the best conditions on the ground in the event that the European Union replaces NATO's mission in Bosnia and Herzegovina.

Lastly, I have a brief comment regarding justice. There can be no doubt that the only way to strengthen peace is to render justice. We commend the work done by the International Criminal Tribunal for the Former Yugoslavia, as well as the establishment of a War Crimes Chamber.

Mr. Pujalte (Mexico) (*spoke in Spanish*): As other delegations have done, my delegation thanks Lord Paddy Ashdown, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, and Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia, for their presence in the Chamber and for the information they have given us. We also thank them for their tireless spirit of service and their commitment to their work.

Next month, November, will mark eight years since the signing of the Dayton Peace Accords. As the High Representative's report made available to the Security Council today demonstrates, there can be no doubt that since their signing in 1995 Bosnia and Herzegovina has made progress in normalizing daily life.

Mexico has noted with interest the contents of the report. Our attention has been drawn in particular to the progress made with regard to the administration of justice, to corruption and to combating organized crime. Mexico trusts that the country's police services will eventually be able to assume the policing functions now provided by the European Union. Similarly, we emphasize the importance of the initiatives under way to strengthen the justice system, which is the key to building up the rule of law in Bosnia and Herzegovina.

In that connection, my delegation welcomes the valuable information provided by Lord Ashdown and Judge Meron with regard to the establishment of a special War Crimes Chamber in Bosnia and Herzegovina's State Court to address serious violations of international humanitarian law. The details presented provide further information about the arrangements proposed to establish such a Chamber. My delegation has lent its support for the completion strategy proposed by the International Criminal Tribunal for the Former Yugoslavia, and in particular the idea of transferring cases relating to low- and mid-level accused persons to the competent national jurisdictions, with a view to ensuring that the Tribunal can attain its goal of completing its judicial activities at first instance by 2008. What is proposed therefore augurs well for the proper implementation of the completion strategy.

Turning to the political sphere, we are pleased that, eight months after elections were held, the process of forming a Government was finally concluded in June in the only remaining canton where that was yet to be accomplished.

We also take note of the efforts made in the economic area to promote growth in trade and employment. We were particularly struck by the participation of civil society in the debate on economic reform and by civil society's monitoring role in implementing that reform.

Over 1 million refugees and internally displaced persons have returned to their homes in Bosnia and Herzegovina. Approximately 40 per cent of them are members of minority groups. However, 500,000 persons have yet to return home. Those figures prompt

us to mention the suffering caused by armed conflict and the courage that gives rise to hope. They also prompt us to think about the infinite possibilities that open up when political will and economic resources are brought together. The international community's support, both political and economic, has been essential to the peace process in Bosnia and Herzegovina. It is important that that support continue until outstanding issues have been addressed.

The statistics compiled by Operation Harvest this year are also encouraging. Although there was a decline in the collection of small arms over 2002, the amount of ammunition, mines and hand grenades turned over to the Stabilization Force has increased.

As has been pointed out, the road travelled has not been easy, and we will still have to overcome various types of setbacks. In particular, we believe that it will be necessary to ensure that there is no impunity, if the process of reconciliation in Bosnia and Herzegovina's society is to be completed. Specific steps must be taken to arrest, try and punish those responsible for war crimes.

Finally, Mexico trusts that the people of Bosnia and Herzegovina will soon become solely responsible for their future.

Mr. Gatilov (Russian Federation) (*spoke in Russian*): We are grateful to Lord Ashdown, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, for his comprehensive report to the Security Council and for his detailed briefing on the situation in Bosnia and Herzegovina. We also welcome the participation of Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia, in today's meeting, and we are grateful to him for his statement.

Russia notes with satisfaction the substantial progress achieved in the implementation of the Dayton Peace Agreement and in the establishment and strengthening of statehood in Bosnia and Herzegovina. We believe that the situation in that country is reaching the level at which greater authority must be gradually transferred to its legally elected bodies, which must bear responsibility for their country and peoples. In that connection, the strengthening of mutual understanding and trust among the peoples of Bosnia and Herzegovina and the achievement of consensus on all matters relating to state-building become all the more important.

We support the activities of High Representative Lord Ashdown in the implementation of the approved programme of the Peace Implementation Council (PIC) Steering Board in the economic and social spheres and in strengthening the primacy of law and State authority as a whole. We proceed on the basis of the premise that the implementation of these priorities will be undertaken in strict observance of the Dayton Agreement and the Constitution of Bosnia and Herzegovina and on the basis of a consensus among all Bosnian parties.

We welcome the pursuit of dialogue among the Bosnian parties on military reform and we note the progress achieved towards putting the armed forces of the entities under effective civilian control with a view to the eventual establishment of a unified command structure.

Bearing in mind the fragility of the overall political situation in Bosnia and Herzegovina, we believe it appropriate to continue international monitoring of the situation with regard to ensuring public safety in the country and of the activities of local police forces. In this connection, we welcome the work, which began on 1 January 2003, of the European Union Police Mission. We strongly believe that the Security Council, as the major organ responsible for the maintenance of international peace and security, will continue to receive regular reports on the conduct of the Police Mission in Bosnia and Herzegovina.

We support the further elaboration of the concept of the establishment, within the framework of the Bosnia and Herzegovina State Court, of a special chamber to investigate war crimes. We welcome the steps taken by the High Representative to implement the relevant decisions of the PIC Steering Board and trust that the Security Council shall continue carefully to follow the efforts made to that end. In this regard, we expect the Council to receive information on a regular basis from Lord Ashdown and the President of the International Criminal Tribunal for the Former Yugoslavia, Judge Meron, on the progress of work towards forming the special chamber.

The information submitted today allows us to be optimistic that the deadlines set for late 2004 or early 2005 for launching the chamber will be met. We hope that all aspects of the preparatory work will be given

due attention, beginning with the reconstruction of the court's building and ending with the revision and adaptation of local legislation. We regard the transfer of cases from the International Criminal Tribunal to the emerging Bosnian court as a major element of the successful implementation of the strategy to fulfil the Tribunal's mandate. We believe that a consideration of similar cases should also involve the competent legal bodies of other Balkan States.

Russia, as one of the guarantors of the Dayton Agreement, will continue to lend all necessary assistance in the political, economic and military reforms under way in Bosnia and Herzegovina. In this connection, we proceed from the premise that the principal, fundamental provisions of Dayton will be respected by all sides.

Mr. Zhang Yishan (China) (*spoke in Chinese*): At the outset, I wish to thank President Meron and Lord Ashdown for their detailed briefings. I commend Lord Ashdown for his efforts to facilitate the implementation of the Dayton Peace Agreement.

The Chinese delegation has been closely following the situation in Bosnia and Herzegovina. We were pleased to see that, as a result of the unremitting efforts of the Government and the people of Bosnia and Herzegovina, the country is moving towards stability. We note the preliminary results of reconstruction and the further harmonization of various ethnic groups. We hope that the parties concerned in Bosnia and Herzegovina will pursue their efforts to consolidate the peace process in a joint commitment to the lasting peace and development of the country. This is in the interests not only of the members of Bosnia's various groups, but also of the peace and stability of the region as a whole.

China has always supported the peace process in Bosnia and Herzegovina. We have contributed civilian and police personnel to the United Nations Mission in Bosnia and Herzegovina. China is willing to join the rest of the international community in pursuing efforts to help that country to embark on the path of autonomous development as soon as possible.

My delegation supports the various efforts undertaken by the International Criminal Tribunal for the Former Yugoslavia to further improve the efficiency of its proceedings. We are particularly grateful to President Meron for his work to that end. We note that the State Court, the Prosecutor's Office and the Special Department of Bosnia and Herzegovina are preparing to establish a special chamber to try war crimes. We hope that the establishment of the relevant organs will further the implementation of the Tribunal's completion strategy and promote the achievement of justice and national reconciliation.

Mr. Tafrov (Bulgaria) (*spoke in French*): As a country associated with the European Union, Bulgaria associates itself with the statement to be made shortly by the Permanent Representative of Italy on behalf of the Union.

I believe that Bulgaria, as a Balkan country, has a special role to play in this debate. I shall make a few preliminary comments, beginning with my thanks to President Meron for his briefing and, especially, to Lord Ashdown, not only for his extremely interesting analysis, but also for his decidedly vigourous activities on the ground. Having heard him now for the second time in the Security Council, I believe that Bosnia and Herzegovina is very lucky to have such a person. He has political, military and human experience; he has the ideal profile to accomplish his task of ultimately doing away with his own position and work, as Ambassador Jones Parry said. I wish him every success in that task.

I should like to begin at the point at which I had wanted to conclude, because I believe that the approach under consideration is very important. Lord Ashdown said earlier that the European and Euro-Atlantic prospects are like a powerful magnet for Bosnia and Herzegovina. I can confirm that on the basis of the experience of my own country, Bulgaria. Bulgaria's transition to a market economy and democracy — a transition now nearing completion — would not have been possible without this powerful magnet. One thing is clear: The extremely arduous reforms will go faster and truly succeed if Bosnia's European and Euro-Atlantic prospects open up. The more these prospects are open, the easier it will be for the High Representative and for the Bosnians themselves.

Developments in Bulgaria, which is a neighbouring country, should reassure the Bosnians. Next year Bulgaria will enter the Atlantic Alliance, and in 2007 it will become a member of the European Union. Such developments are thus possible, although there is clearly a great deal of work to be done, as we have heard.

We should not underestimate the success that has been achieved thus far. We should recognize the fact that substantial progress has been made, despite the problems of organized crime, the parochialism that sometimes goes too far and the lack of focus on Bosnia and Herzegovina on the part of the international community, which has been distracted by more pressing issues. I shall not go into detail in that respect, because Lord Ashdown has been very eloquent on the matter.

I would like to say that the reform of the justice system is crucial. Speeding up that process will have an impact not just on political life in Bosnia and Herzegovina but also on the economy. No economy can function without the rule of law and a justice system that can arbitrate various trade disputes.

The four ad hoc commissions that have been set up in Bosnia and Herzegovina are doing very important work. I would like to underline the importance of the defence sector, which functions as a cement for the identity of the State of Bosnia and Herzegovina. I believe that this will be a true test of the ability of Bosnia and Herzegovina to establish a viable State. In this context, the accession of Bosnia and Herzegovina to NATO's Partnership for Peace will be extremely important and could speed up this process.

Bulgaria is an enthusiastic supporter of the establishment of a special War Crimes Chamber within the State Court of Bosnia and Herzegovina, pursuant to resolution 1503 (2003), which is endorsed by all of the members of the Council. Over and above considerations of the effectiveness of the work of the Tribunal itself, bringing justice to the Bosnians themselves will certainly have a positive psychological impact and can only speed up the process of national reconciliation. Clearly this process will never be complete as long as war criminals are not brought to justice at The Hague.

In conclusion, I would like to say that Bulgaria will continue to support all efforts, using all its political, diplomatic and material resources, in support of the reforms in Bosnia and Herzegovina, which is a neighbouring State and a friend. We are currently contributing to the European Union police mission. The Stabilization Force contains a Bulgarian contingent, and the Bulgarian presidency of the Organization for Security and Cooperation in Europe, which will begin on 1 January 2004, will accord priority to support for Bosnia and Herzegovina, in particular in the judicial field.

Mr. Gaspar Martins (Angola): I would like to start by welcoming both Lord Ashdown and Judge Meron and thanking both of them for the very important and significant briefings that they gave us this morning on a situation that is evolving well.

We welcome the commitment of the international community, which has been a determining factor in the remarkable progress set out in the report before us. Thanks to the international community, the people of Bosnia and Herzegovina have a unique, historic opportunity to advance towards a leading group of nations whose standard and quality of life is relatively high.

I am quite sure — and we all agree on this — that the two-pronged approach outlined in the report presented to the Council by Lord Ashdown is the appropriate strategy to lead the people of Bosnia and Herzegovina to an era of sustained freedom, well-being and economic reform in a State based on the rule of law. Indeed, the road map would lead to the attainment by the people of Bosnia and Herzegovina of their fundamental freedoms — freedom from fear and from unjust persecution; freedom to fully develop their potential; freedom to belong to a society of people equal under the law and enjoying equal opportunities; freedom to respect each other's differences as the basis of rich social interaction; freedom of all nations of the Federation to understand that unity of purpose and effort is praiseworthy; and freedom to become an equal partner in the community of nations.

It is my delegation's view that the efforts deployed by the international community and by the people of Bosnia and Herzegovina should be relentlessly pursued until the medium- and long-term objectives are fully met — that is, the creation of a modern society in Bosnia and Herzegovina. The investment by the international community and the efforts of the people of Bosnia and Herzegovina must be sustained, as the final result will surely be rewarding.

I would now like to turn to the question of judicial reform. In its resolution 1503 (2003) adopted in August, the Security Council reiterated the planned strategy for the International Criminal Tribunal for the former Yugoslavia, which called for all investigations to be completed by the end of 2004, all trial at first

instance by the end of 2008, and all the activities of the court by the end of 2010.

As recognized on different occasions by the Security Council, the deferral of cases involving low-level indictees to competent national jurisdictions is likely to be the best course of action, allowing the ICTY to achieve its objectives and focus on the trials of those who bear greater responsibility for crimes under the Tribunal's jurisdiction. Deferred to domestic courts, the trial of low-level cases would help enhance rebuilding of the shattered national identities of the people of the region and strengthen their awareness of law enforcement ownership.

This meeting offers a good opportunity to revisit the challenges faced by the ICTY, as well as the international community's readiness to contribute, as appropriate, to the strengthening of national and local judicial systems of the States of the former Yugoslavia, in order to facilitate the implementation of the agreed strategy for the International Criminal Court.

To conclude, we strongly encourage the High Representative to maintain the consistent policies outlined in the report. Strengthening of the rule of law, building local, national and federal institutions, effective judicial and law enforcement systems, a modern civil administration, economic reforms promoting economic freedom and development are, in my delegation's view, and I believe in the view of all delegations, the essential elements for building a multi-ethnic and tolerant community with solid and functioning democratic institutions.

The relevant agencies of the United Nations, the European Union and the international community have joined in the coordination of efforts towards that endeavour. It is my delegation's hope and expectation that Bosnia and Herzegovina will stand as another success story of post-conflict reconstruction.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): I wish to thank you and congratulate you, Sir, for having organized this meeting on Bosnia and Herzegovina. It comes on the heels of the rich, long and intense debate we had on 24 and 30 September, on justice and the rule of law and the role of the United Nations.

Today's debate provides us with the opportunity to reflect — deeply, I hope — on the efforts of the international community to establish normality in Bosnia and Herzegovina. We were pleased to learn from Lord Paddy Ashdown this morning that Bosnia and Herzegovina is the first Balkan country today to have met the prerequisites of a state of law — the separation of powers and judicial independence, in particular. We welcome that.

In that connection, I would like to express my delegation's full appreciation to Lord Ashdown, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. He has done outstanding work. I also wish to express appreciation for the work done by Judge Theodor Meron, President of the ICTY, and to thank him for his detailed briefing.

After having heard the statements made by eminent members, I will restrict myself to a few comments. The report submitted by Lord Ashdown highlights significant and praiseworthy progress that has been made in a relatively short period of time — promoting jobs, building a viable economic and administrative infrastructure and, most important, the establishment of a State of law in Bosnia and Herzegovina. Those achievements contribute decisively to the improvement of the political panorama and to rationalizing the security and defence systems of the country, as well as to normalizing its relations with its neighbours. For all those very meritorious reasons, my delegation wishes to reiterate once again its confidence in the activities of the High Representative.

It goes without saying that, in order to be lasting and effective, such activities must be based on a solid legal foundation, without which all our efforts will remain fragile.

My delegation attaches great importance to the justice aspect. We have followed, with great interest, the observations made by Judge Meron and the comments contained in the report submitted by Lord Ashdown on the subject. The Completion Strategy by 2010, defined by the ICTY Judge in June 2002, and the possibility of sending some cases before national jurisdictions, which the Council supported, is relevant now more than ever.

Success of the de-localization process, which will require acceleration of various processes, depends, in my delegation's view, on three conditions that are essential to us. The first is the simultaneous commitment and sustained efforts of the Council, the international community and all parties concerned. The

second is the efficient implementation by the Tribunal of the strategy defined to ensure such completion. The last is the harmonious functioning of the special War Crimes Chambers.

We are convinced that reforming the judicial system, particularly the establishment of the special War Crimes Chambers, responsible, among other things, for supplementing the work of the ICTY, will make it possible to contribute solutions for concerns related to the Completion Strategy.

To that end, my delegation welcomes certain initiatives: the establishment within the Bosnia and Herzegovina Tribunal of a criminal division, the War Crimes Chambers and a War Crimes Department in the Prosecutor's Office; the amendment of the law setting the course of judicial training; the elaboration of the Criminal Code in Bosnia and Herzegovina on 24 January 2003 and its entry into force on 1 March 2003; the entry into service of new judges of the Prosecutors Office of Bosnia and Herzegovina; the recruitment of special prosecutors for the ICTY; and the special division in the Office of the Prosecutor for Bosnia and Herzegovina of judges and international prosecutors; and the establishment of the Anti-Crime and Corruption Unit. Those are important factors that my delegation welcomes. We also appreciate the cooperation that the judicial system of Bosnia and Herzegovina enjoys with numerous institutions.

Cameroon considers that the criteria and the terms of cooperation between the International Criminal Tribunal for the former Yugoslavia (ICTY) and the special War Crimes Chamber must be clearly defined. While the foundation of this delocalization process has been determined, we nonetheless would be pleased to increasingly get more information concerning this. We also would like to know what strategies have been envisaged to reconcile the requirements of justice and those of national reconciliation, particularly with regards to a domestic tribunal.

By way of conclusion, my delegation wishes to reiterate its support of the request made by the High Representative of the Secretary-General and by the President of the ICTY that the necessary significant resources be allocated with a view to enabling efficient implementation of the judicial delocalization process and the reconstruction of Bosnia and Herzegovina.

The President: I shall now make a statement in my capacity as the representative of the United States.

I, too, want to thank Lord Ashdown and Judge Meron for joining us today and for their dedication and commitment to peace in Bosnia and Herzegovina. The capture and prosecution of persons indicted for war crimes has long been a priority for the United States and the Security Council. The emergence of a stable and prosperous Bosnia and Herzegovina will not be possible until indicted war criminals are brought to justice, especially Radovan Karadzić and Ratko Mladić. These and other indicted war criminals should know that they cannot wait out the international community.

It should be no mystery to the people of Republika Srpska that more than half of them live at or below the poverty line. It is because investors will not do business where the law is not upheld and because Karadzić's vast criminal support network continues to steal resources that local Governments need to pay for pensions, health care and education.

The parties made a solemn commitment at Dayton eight years ago to cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY) and turn over indictees. The international community has kept its Dayton commitments, including the creation of the Republica Srpska. The time has come for the Republica Srpska to do its part and comply with all the requirements of Dayton and its greater obligation as part of the Euro-Atlantic community.

While it is the ICTY that will try Karadzić, Mladić and other senior officials most responsible for crimes within the ICTY's jurisdiction, it is important that justice for other cases be transferred to a competent national jurisdiction in Bosnia and Herzegovina. We commend the efforts of the Office of the High Representative, the international community and the Government of Bosnia and Herzegovina to create domestic capacity by establishing a War Crimes Chamber within the State Court of Bosnia and Herzegovina. The project, part of a regional effort, is essential to the strengthening of the rule of law and will also support the ICTY's completion strategy. We strongly urge the Office of the High Representative, the ICTY and the local authorities to refine and finalize the plan for — and begin operation of — a War Crimes Chamber without delay. Resolution 1503 (2003)

encourages Member States to support the establishment of this War Crimes Chamber.

For its part, the United States is prepared to lend its support by providing expert assistance and up to one-third of the cost. We encourage other donors and the Bosnia and Herzegovina authorities to also help shoulder the financial and technical burdens.

We applaud High Representative Ashdown's efforts to target those who provide financial and logistical support to persons indicted for war crimes. The United States has instituted its own mechanism to ban the travel, freeze the assets and prohibit the financial activities of those who help persons indicted for war crimes to evade justice. Steps such as the European Union travel ban are also effective at putting pressure on these individuals, and the United States enthusiastically welcomes them. In keeping with the recently passed resolution 1503 (2003), we strongly urge all States to impose similar measures to freeze the assets and restrict the travel of fugitive indictees, as well as of those individuals or groups that help them evade justice.

Lord Ashdown also mentioned the tremendous progress made by the Defence Reform Commission, the Indirect Tax Policy Commission and the Intelligence Commission. The United States strongly supports the work of all three commissions and we call on the relevant institutions in Bosnia and Herzegovina to approve and implement the draft legislation these commissions have proposed without delay.

We also urge the relevant authorities in Bosnia and Herzegovina to continue and accelerate economic reforms, particularly in privatization, the restructuring of domestic debt and the reduction of the burden of the Government on the economy. The United States stands ready to provide technical and financial assistance to help Bosnia and Herzegovina implement these reforms, and we urge other Member States to consider how they, too, can contribute, and to do so.

I now resume my function as President.

I give the floor to the representative of Bosnia and Herzegovina.

Mr. Kusljugić (Bosnia and Herzegovina): Allow me at the outset, Mr. President, to extend my sincere congratulations on your taking over the Presidency and to wish you every success in presiding over the Council this month. I would also like to thank you for the opportunity to comment on the briefings by the High Representative and the President of the International Criminal Tribunal for the former Yugoslavia (ICTY), and to share with the distinguished Members of the Security Council some recent views of my Government regarding the situation in Bosnia and Herzegovina and the role of the international community in its post-war recovery.

I also want to thank Lord Ashdown and Judge Meron for their comprehensive briefings, as well as my distinguished colleagues for their comments and remarks.

It has been a year since the first self-organized elections took place in Bosnia and Herzegovina and a new Government took office. It so happened that the beginning of the election process coincided with the arrival of the new High Representative for Bosnia and Herzegovina, Lord Paddy Ashdown. Even though it might seem premature to make an assessment of the achievements of the newly elected Bosnia and Herzegovina authorities and their interaction with the international community as personified by Lord Ashdown, some positive — and some negative — trends have become evident.

The past year, as every year before it, has been marked by slow but steady progress in post-war recovery and transition. What makes this year distinct from those before it is the High Representative's very agile approach to the tasks placed before him. His platform, "jobs and justice" through reforms, so well presented and so largely supported by this forum last year, and the Office of the High Representative's mission implementation plan proved to be well thought-out strategies.

Not unlike his predecessors, Lord Ashdown started off by imposing laws. Later on, as his mandate progressed, the number of imposed laws decreased as he succeeded in involving entity and State parliaments in advancing legal reforms in various fields of legislation.

The efforts of the High Representative were concentrated in several major areas; his strategy clearly focused on bringing Bosnia and Herzegovina closer to Euro-Atlantic integration by fulfilling the conditions set forth by the North Atlantic Treaty Organization (NATO) Partnership for Peace and the feasibility study

for Stabilization and Association Agreement with the European Union.

In the economic arena, an impressive package of 50 laws and regulations has been passed in order to give a boost to private initiative and to create conditions for direct foreign investments. Progress has been made in the reform of customs, tax and revenue systems, a State law on civil servants was passed, the reorganization of the army structure brought Bosnia and Herzegovina a step closer to the NATO Partnership for Peace, the foundations for the State intelligence service were laid and the State Court of Bosnia and Herzegovina became operational.

However impressive the results, considering the time frame, several problem areas remain constant in the way they are dealt with by the international community and its High Representatives.

First, the fact remains that in the past three years the number of publicly indicted war criminals who remain at large has been reduced from 20 to 17, and the two most infamous fugitives, Radovan Karadzic and Ratko Mladic, are still, eight years after being indicted, as elusive as they have ever been. We consider that responsibility for this lies both with the international community and with the Bosnia and Herzegovina authorities. It has been repeated many times that there can be no reconciliation in Bosnia and Herzegovina until all indicted war criminals are brought to justice.

A positive step in cooperation with the International Criminal Tribunal was made last year by establishing a special Chamber for war crimes within the State Court, though this still has to be funded. It is our hope that the contributing nations will be generous at the forthcoming donor conference in The Hague later this month.

Secondly, the return of refugees and displaced persons shown by statistical data could easily qualify for the greatest success of the international community in the post-war Bosnia and Herzegovina. With the addition of data on property return, the picture falls little short of perfect. However, individual returns in some areas of Republika Srpska, especially the Srebrenica and Drina river regions, and some regions in the Federation of Bosnia and Herzegovina, turned out to be unsustainable. Generally, there should be more economic support for the returnees to start anew and get on with their lives.

Furthermore, the paramount importance of the privatization process was largely underestimated. Even though the entire concept of privatization was conceived by the international community and put into practice through direct participation of the Office of the High Representative and other international organizations and their experts, the results six years down the line are far from acceptable, especially when it comes to large-scale privatization of State-owned enterprises and the so-called strategic sector.

The current High Representative has given the privatization process a new push by improving the privatization legal framework, but this has yet to deliver results. Meanwhile, the burden of State-owned enterprises, most of them barely operating but still employing a significant workforce, remains on the shoulders of the local authorities. Social unrest and protests, which we witness on the streets of Bosnia and Herzegovina on an almost daily basis, are partly due to the inability of the international experts to find a viable model for privatization of State-owned enterprises and generate the interest of foreign investors in engaging their capital in the Bosnian economy and thus create new job opportunities for the unemployed workers, who, statistics indicate, amount to 40 per cent of the entire workforce.

Last but not least, I come to the impact of the international community on the public information sector. Far from being completed, the task of creating an objective and unbiased public information service was moved down the priority list, and the aid and support given to the independent media has all but dried up.

I am addressing the Council today as Permanent Representative of a State of Bosnia and Herzegovina that is no longer the focus of attention of the international community as a crisis area. Rather, it has become a typical State in transition that actively participates in stabilization processes in the region and throughout the world. The authorities in Bosnia and Herzegovina remain committed to reforms, in order to create conditions for overcoming the consequences of recent conflicts, and are devoted to respect for all the human rights of individual citizens and peoples, as well as their cultural, religious and other diversities.

In the process of Bosnia and Herzegovina's accession to European integration, discussions have just been completed with the European Commission,

within the framework of the feasibility study. Bosnia and Herzegovina is now entering the new phase with full confidence, convinced that the process what has been initiated will result in the fulfilment of conditions and membership in the European Union. This comes as a result of the decision of the Bosnia and Herzegovina authorities to respond to major challenges, such as combating organized crime and corruption; strengthening the State institutions; conducting legal system reforms; implementing structural reforms; and reducing the unemployment rate.

The issue of missing persons is particularly sensitive and difficult for Bosnia and Herzegovina. Additional efforts are required, with the assistance of the international community, to give the grieving families the opportunity to find out the whereabouts of their loved ones, what happened to them and where they were buried, to identify their remains and to lay them to rest with dignity. This would surely have a positive impact on the reconciliation process in Bosnia and Herzegovina.

At this moment the authorities in Bosnia and Herzegovina attach paramount importance to reforms and modernization of the educational system in Bosnia and Herzegovina. By recently signing the Bologna Protocol, Bosnia and Herzegovina made a firm commitment to build an educational system that meets European standards.

The duly elected authorities in Bosnia and Herzegovina are ready to take ownership, to bear more responsibility for the future of the country. The ultimate goal is for Bosnia and Herzegovina to be a member of NATO and of the European Union, Bosnia and Herzegovina with its destiny in the hands of its own citizens, on its road of no return towards European integration, and on that road with more power in the engine of its own institutions and less in the High Representative's tow truck.

Despite all individual efforts and billions of foreign aid poured into the country since the end of the war, Bosnia and Herzegovina is officially still one of the poorest European countries. The war, however devastating, cannot be solely blamed for that. The structure of the State, bequeathed by the Dayton Peace Accords, with multiple levels of executive and legislative power, resulting in more than 60 per cent of gross national product being spent on public expenditures, defies all the individual reforms and threatens to become economically unviable. Last year, the High Representative said that Dayton was the floor, not the ceiling, so it can be built on. However, even the floor needs to be statically sound.

Having realized that, the elected authorities in Bosnia and Herzegovina are ready to initiate the long and cumbersome negotiation process for constitutional reforms, with the ultimate goal clearly set out in the statement of His Excellency Dragan Čović, Chairman of the Presidency of Bosnia and Herzegovina, at the fifty-eighth session of the General Assembly, when he said that the Constitution of Bosnia and Herzegovina is "cut out to the measure of its peoples and to each and every citizen." (A/58/PV.15) We intend to achieve this by ourselves, through dialogue among all local stakeholders, and with the support of the international community.

The task before us may be difficult, but we have to accomplish it, and for one reason only: children who were spelling their first words when the first High Representative arrived in Bosnia and Herzegovina are coming of age now. They need a vision that goes beyond a six-month reporting period, beyond 2004, much further into the twenty-first century.

The President: I invite the representative of Italy to take a seat at the Council table and to make his statement.

Mr. Spatafora (Italy): I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey, and the European Free Trade Association country, member of the European Economic Area, Iceland, declare that they align themselves with this statement.

Since this is the first time I have taken the floor under your Presidency, allow me to congratulate you, Sir, on the assumption of your duties and to express my best wishes. I also extend my congratulations to the previous President, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, on his excellent job.

The European Union attaches great importance to the work undertaken by the High Representative, Lord Ashdown, whom we thank for his very comprehensive, enlightening and focused report. Lord Ashdown is

right: it is relatively easy to change the hardware, the institutions, but it is much more complicated to change the software, the people's attitude. That is the great challenge. We also thank President Meron for his briefing.

The European Union, as I was saying, fully supports the priorities that Lord Ashdown has outlined since his arrival in Sarajevo, promoting first of all the rule of law and then dismantling barriers to business growth and job creation through reforms. The European Union supports in particular the "commission approach" to reforms. That approach was recently launched by the High Representative and has led to the establishment of ad hoc commissions made up of local representatives and international chairmen, that cover key subjects such as indirect tax policy, defence and intelligence.

Important progress has recently been made in the reform process, particularly in the field of the judiciary and of defence. But much remains to be done to reinvigorate the economy and consolidate the central structures of the State. To that end, the responsibility lies in the hands of the local authorities, whose engagement in the reform process has to be clear and unambiguous. Their full cooperation with the entire international community is also crucial.

The European Union supports the unambiguous message of Security Council resolution 1503 (2003) to the countries and parties in the region on the need to improve and intensify cooperation with the International Criminal Tribunal for the former Yugoslavia, in particular efforts to bring Karadzic, Mladic and Gotovina to the Tribunal. In this respect, the European Union recalls the pledge made by the countries of the region at the European Union Western Balkans Summit at Thessaloniki in June 2003 to cooperate fully and unequivocally with the Tribunal.

The European Union, which has already adopted measures against cooperation between local networks and Tribunal indictees, reviews these measures on a regular basis. The European Union also supports the establishment of national special court chambers for war crimes and, in particular, the joint efforts of High Representative Lord Ashdown and of the Tribunal to establish a Special Chamber in the State court of Bosnia and Herzegovina.

The European Union is fully involved in the reform process in Bosnia and Herzegovina. The European perspective of the Western Balkans countries was reaffirmed by the European Union heads of State and Government at the Thessaloniki Summit last June. It represents extremely powerful leverage for Bosnian leaders to intensify their efforts towards introducing and implementing the necessary reforms. In that context, the European Commission will be presenting a feasibility study on the opening of negotiations for a stabilization and association agreement in the near future.

The European Union is also involved in security through its European Union Police Mission. The role played by the Police Mission and European Union Special Representative Lord Ashdown to coordinate the international community's efforts in the fight against organized crime and illegal trafficking remains crucial.

The President: I give the floor to Lord Ashdown.

Lord Ashdown: I am very conscious of the time. I have a few very brief comments I should like to make, but, on advice, I gather that it may be in order if I were to ask my colleague Bernard Fassier to respond to a few specific questions which were raised in the discussions.

The President: I give the floor to Mr. Fassier.

Mr. Fassier (*spoke in French*): I have two brief comments to clarify the nature of the support we need to carry out the project to create a Special War Crimes Chamber in Sarajevo.

The High Representative, Paddy Ashdown, and the President of the International Criminal Tribunal for the former Yugoslavia, Judge Meron, both have emphasized that this project cannot come to fruition without appropriate support from the international community.

In this connection, we have two requests to make. The first request pertains to the donors meeting that we will hold on 30 October at The Hague. The overall budget we need is 30 million euros over five years. In order to get the project started, it would be ideal if we could get two thirds of that amount, or 20 million euros. Nevertheless, we could begin to launch the project with 15 million euros. But if we go below 15 million euros, the project will not see the light of day. That is why we need the Council's support in order to convince the capitals of Member States to transform their unanimous political support into concrete

commitments, in terms of figures, at that conference, in order to reach the necessary threshold of 15 million or, if possible, 20 million euros.

My second remark is a request that relates to the importance of the many cases that will be dealt with in Sarajevo, coming either from the chambers — indeed, the agreements signed last February by Claude Jorda and myself arranged for the transfer of about 15 indicted individuals from the chambers — or from the Office of the Prosecutor, in the case of about 50 individuals now being examined.

Given these circumstances, we would like the Council to be able to convince the States Members of the United Nations to give, in due course, the Sarajevo War Crimes Chamber exactly the same support that they already providing to the International Criminal Tribunal for the former Yugoslavia with respect to the detention of individuals on trial and participation in witness protection programmes.

The President: I give the floor to Lord Ashdown.

Lord Ashdown: I hope that members of the Council will have found that helpful and useful. I am very conscious of the time and have no wish to keep representatives here, so I will try to make my comments extremely brief.

I am very grateful indeed for the support that we have received from the Council. It is a huge bonus for us, and, believe me, I am extremely grateful for its generous support.

May I in particular thank Pakistan and China for making a point I would have wished to make — that that support does not go to me or to my colleagues in the international community, but that it goes, as the representatives of Pakistan and of China said, to the people of Bosnia and Herzegovina. I am the Council's servant, but I am also their servant, and it gives me great pleasure to record that the real heroes of this peacekeeping are the ordinary people of Bosnia and Herzegovina, who have borne their terrible pain with such dignity and, I must say, such courage. To watch them reconstructing their lives and their houses in shattered communities is to understand that, although the international community is close to having a success in hand, the real heroes of this operation are the ordinary, decent people of Bosnia and Herzegovina.

The representative of Pakistan said that he wondered whether we would be able to reconstruct the prewar tapestry. An unhappy fact of ethnic wars is that areas become more ethnically pure after them. My earliest childhood memory was, at the age of five, driving through what is now Pakistan, as my family left the Indian subcontinent after 200 years. I can still recall, in my mind's eye, what tortured me in nightmares as a child — an entire station covered with the dismembered bodies of people who had been killed because they were of the wrong religion.

As an Irishman of mixed parentage — Protestant and Catholic — and as a soldier who has fought in campaigns against ethnic wars and ethnic cleansing around the world and now has this task to do, I understand only too well how difficult it is to construct ethnic tolerance after such an event.

But if you had been with me only two weeks ago at the opening of Srebrenica-Potocari, if you had watched 20,000 Muslims — Bosniacs — burying the first thousand of their 7,000 dead from the Golgotha of Srebrenica, in the presence of Serb policemen from Republika Srpska, in the middle of a Serb majority area, all done with unbelievable dignity on both sides, I must say, and absolute peace, you would, I think, believe that although certain areas of Bosnia will not retain their prewar ethnic tapestry, the nation as a whole will remain a multi-ethnic nation — something that I think cannot be said of the other countries of the former Yugoslavia, unhappily, after the war. I believe that that essential quality will remain, owing in large measure to the extraordinary courage of the people.

The representatives of the United Kingdom, Mexico and Bulgaria are entirely right: the Council will know when we have succeeded, because I will no longer be here making reports to it. My job is to get rid of my job, and the closer I get to that, the more I will count it a success. I merely say this: as we now track towards the tenth anniversary of Dayton, that moment should not be very far away.

Dealing with the dysfunctionality mentioned by the representatives of Germany, Guinea and the United Kingdom is one of our big tasks in the year ahead. I must say about the present Government that I do not detect any ill will, any lack of determination or any lack of genuine sincerity about the need for reform. There is, however, a desperate dysfunctionality in some of Bosnia and Herzegovina's institutions, some of it inherited from Dayton. It is very difficult to be the Prime Minster of a country when you cannot choose

any of the ministers. They have no loyalty to you; they have only loyalties to their party; and you cannot sack them and take the difficult decisions that you must take in the light of some of the problems Bosnia and Herzegovina faces.

Nevertheless, I think more must be done to increase the functionality of Bosnia and Herzegovina's institutions, at the top and at every lower level. On that measure, I think the representatives of France, the United Kingdom and Angola are entirely right: we now judge by implementation, not by words. One of the slogans I use is that I do not judge people by what they say; I judge them by what they do.

In that respect, the representative of Spain asked when we would join the Partnership for Peace (PFP). Prime Minister Terzić and I have agreed that, with respect to the Defence Reform Commission's recommendations, now passed by the Government to Parliament, our target — a very tough one to meet — will be that the legislation should have passed through the Parliament of Bosnia and Herzegovina by the next North Atlantic Council meeting, on 17 December. If it is through by then, Bosnia and Herzegovina will have met what many regarded to be the impossible deadline of achieving PFP membership conditions this year. Then — Bosnia having made itself a credible PFP candidate — it will be up to the North Atlantic Council to decide when that should happen. The North Atlantic Council may well decide that, legislation having been achieved, it will be necessary to achieve implementation. But I hope that that will not be a long time off. It set a very high bar, but Bosnia and Herzegovina jumped over it. It is now important that that fact be recognized, and I hope it will be.

The representatives of the Syrian Arab Republic, Cameroon and Chile mentioned the question of refugees, and they are entirely right to do so. On 1 January, we hand over from the international community to the Bosnian authorities what is arguably the most difficult task of all: refugee return. Here there has been a remarkable success, with a million returned to their homes. For the first time in history, the theoretical human right of refugees to return to their homes after war has become a practical reality; it is now becoming a competence of Bosnia and Herzegovina. It would be a disaster if that success was not supported by the funds for the job's continuation and completion in Bosnian hands. That is why the Minister for Human Rights and Refugees, Mirsad Kebo, and I went to Geneva to speak to all the major representatives there and appeal for a continuation of the flow of those funds.

Ownership — mentioned by the representatives of Germany; France; Russia; and Italy, speaking on behalf of the European Union — now comes from the fact that I cannot use the Bonn powers extensively if Bosnia and Herzegovina is to get into Europe. That is the self-defeating factor: if I use the Bonn powers, Bosnia and Herzegovina automatically disqualifies itself from getting into Europe. That is why I should like to say — making the point made by the presidency of the European Union — that increasingly, as we track down the next two years, Bosnia and Herzegovina's future lies in the hands of its own Government and its own people, not in those of the High Representative. The pull of Euro-Atlantic institutions is now more important to Bosnia and Herzegovina than the push of the Bonn powers.

Spain asked when and how NATO might give way to the European Union leadership. That, I fear, it is beyond my pay grade to pronounce on; it is up to the international community to decide. But, as someone who considers himself a passionate European-Atlanticist — and by the by, I see no contradiction there — I believe Europe should take more of a lead, provided that it can be done in the right way, a way which reassures the people of Bosnia and Herzegovina that their security will be properly dealt with and which, crucially, allows other third parties — especially the United States and Canada — to feel that they have a part to play in the process. In my view, that should happen sooner or later.

My final point is to reassure the representative of the Russian Federation that his Government's view is my view. My powers stop at Dayton; they cannot go further. That is the legal basis and limit of my powers. If Bosnia and Herzegovina wants to amend Dayton, it can do that only through its own people, by the process of consensus. That has been my policy, and it will remain my policy.

The President: I thank Lord Ashdown for his comments, and thank him and his team and Judge Meron and his team for joining the Council once again this morning. Do you wish to make any further comment, Judge Meron?

Judge Meron: No, Sir.

The President: I also thank Judge Meron and his team for joining us and thank Lord Ashdown and Judge Meron for taking the time to brief the Council.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.10 p.m.